

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
Civil Action No.: 3:19-cv-00348-FDW-DSC**

XPO LOGISTICS, INC.,

Plaintiff,

v.

JESSICA NORTHROP,

Defendant.

**JOINT MOTION FOR STAY OF
DEADLINES IN CASE MANAGEMENT
ORDER**

Plaintiff XPO Logistics, Inc. (“XPO”) and Defendant Jessica Northrop (collectively, the “Parties”) jointly move for a stay of the future deadlines in set forth in the Case Management Order previously entered in this case. The Parties further state as follows:

1. On June 28, 2019, XPO filed a Verified Complaint against Northrop in Mecklenburg County Superior Court (the “State Court”) asserting a claim for breach of the Agreement and seeking preliminary and permanent injunctive relief. On July 1, 2019, the State Court entered a Temporary Restraining Order enjoining Northrop from violating the noncompetition and confidentiality covenants set forth in the Agreement. [Dock. # 1-1 at 65-67.]

2. On July 19, 2019, Northrop removed this action to this Court. [Dock. # 1.] XPO then filed its Motion for Preliminary Injunction on July 24, 2019. [Dock. # 3.] On August 2, 2019, following a hearing, this Court issued its Order Granting Plaintiff’s Motion for Preliminary Injunction (“PI Order”). [Dock. # 15.]

3. On August 27, 2019, the Court issued a Case Management Order. [Dock. # 21.] The deadlines include completion of discovery by November 14, 2019 and the filing of dispositive motions by December 12, 2019. The Court set the trial for the term beginning March 2, 2020.

4. On September 3, 2019, Northrop filed an appeal of the PI Order with the United States Court of Appeals for the Fourth Circuit. [Dock. # 22.] Based on the current schedule, Northrop's brief is due on December 12, 2019, and XPO's brief is due on January 13, 2020.

5. On October 7, 2019, the Court issued a notice that this case had been reassigned to Judge Max O. Cogburn and that the March 2, 2020 trial setting was cancelled.

6. On October 28, 2019, the Court granted XPO's motion for leave to file an Amended Complaint. [Dock. # 31.] XPO filed its First Amended Complaint on October 31, 2019. [Dock. # 32.]

7. Counsel for the Parties have conferred and have agreed that, based on the pending Fourth Circuit appeal, the filing of the recently amended Complaint, and the resetting of the March 2, 2020 trial date, the current deadlines set forth in the August 27, 2019 Case Management Order, to the extent they have not passed as of the date of this motion, do not reflect the current status of this litigation and should be continued. For example, the current discovery deadline will expire before the deadline for Northrop to file a response to the First Amended Complaint. Alternatively, the Parties request the opportunity to propose new deadlines to replace the current schedule

WHEREFORE, Plaintiff XPO Logistics, Inc. and Defendant Jessica Northrop respectfully request that the Court issue an order continuing the current schedule in the August 27, 2019 Case Management Order or, alternatively, requiring the parties to propose a new schedule to replace the current schedule.

This 7th day of November 2019.

/s/ Douglas M. Jarrell _____

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